

ASSEMBLY BILL

No. 2463

Introduced by Assembly Member Brownley

February 19, 2010

An act to amend Sections 8210, 8212, 8214, 8215, and 8216 of, to add Sections 8212.5, 8217, and 8218 to, to repeal Sections 8211 and 8212.3 of, the Education Code, and to amend Section 1596.655 of the Health and Safety Code, relating to child care and development services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2463, as introduced, Brownley. Child care resource and referral programs.

(1) The Child Care and Development Services Act, administered by the State Department of Education, requires the Superintendent of Public Instruction to administer child care and development programs. Existing law authorizes funds appropriated for purposes of the act to be used for child care resource and referral programs, which may be operated by public or private nonprofit entities and are required to provide certain information and services to parents and child care providers relating to child care services in a defined geographic area.

This bill would delete provisions expressing the Legislature's intent to appropriate certain funds for allocation to resource and referral agencies. The bill would require a child care resource and referral program to provide specified additional services, including providing training and workshops relating to child care services, community resource assistance, and collaborating with and assisting other community agencies in planning, coordinating, and improving child care. The bill would delete provisions authorizing a resource and referral program to provide short-term respite care, as defined. The bill would

require a resource and referral program to provide basic child care referrals, as defined, at no cost.

(2) Existing law establishes the California Child Care Initiative Project for certain purposes, including increasing the availability of qualified child care programs in the state.

This bill would instead establish 2 projects, to be known as the California Child Care Initiative Project - State Program, and the California Child Care Initiative Project - Quality Plan Program, and would require the Superintendent to allocate funds, including funds from the federal Child Care and Development Block Grant quality set-aside, in accordance with specified requirements. The bill would establish the Growing, Learning, Caring Project to foster and improve the quality of child care in all settings, including child care settings that are exempt from licensing requirements.

(3) Existing law requires the State Department of Social Services to establish a trustline registry for purposes of conducting background checks for specified child care service providers, and imposes certain responsibilities on resource and referral programs in the administration of the trustline.

This bill would impose additional requirements on resource and referral programs relating to the trustline, including providing specified additional data, and reviewing and processing trustline applications for in-home or license-exempt home-based child care providers who are being paid through state-funded child care subsidies. The bill would make other conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8210 of the Education Code is amended
2 to read:
3 8210. Funds appropriated for the purpose of this ~~chapter~~ may
4 *article shall* be used for child care resource and referral programs
5 which may be operated by public or private nonprofit entities.
6 SEC. 2. Section 8211 of the Education Code is repealed.
7 ~~8211. It is the intent of the Legislature that one hundred eighty~~
8 ~~thousand dollars (\$180,000) be appropriated each fiscal year for~~
9 ~~allocation to child care and development resource and referral~~
10 ~~agencies operated by local educational agencies for the purpose~~

1 of the child care resources and referral program set forth in this
2 article.

3 SEC. 3. Section 8212 of the Education Code is amended to
4 read:

5 8212. ~~For~~ *Child care resource and referral programs are*
6 *unique in their provision of services to parents and all types of*
7 *child care providers. For* purposes of this article, child care
8 resource and referral programs, established to serve a defined
9 geographic area, shall provide the following services:

10 (a) ~~Identification of~~ *Identify* the full range of existing child care
11 services through information provided by all relevant public and
12 private agencies in the areas of service, and the development of a
13 resource file of those services which shall be maintained and
14 updated at least quarterly. These services shall include, but not be
15 limited to, family day care homes, public and private day care
16 programs, full-time and part-time programs, and infant, preschool,
17 and extended care programs.

18 The resource file shall include, but not be limited to, the
19 following information:

- 20 (1) Type of program.
- 21 (2) Hours of service.
- 22 (3) Ages of children served.
- 23 (4) Fees and eligibility for services.
- 24 (5) Significant program information.

25 (b) (1) ~~Establishment of~~ *Establish* a referral process ~~which that~~
26 *is described in writing and is available to parents and providers*
27 *upon request, that responds to parental need for information and*
28 ~~which is~~. *Referrals shall be available to all persons requesting the*
29 *information regardless of income level or other eligibility*
30 *requirements referrals shall be* provided with full recognition of
31 the confidentiality rights of parents. Resource and referral programs
32 shall make referrals to licensed child day care facilities. ~~Referrals~~
33 ~~shall be made to unlicensed care facilities only if there is no~~
34 ~~requirement that the facility be licensed., and, where available,~~
35 *programs that are legally exempt from licensing.* The referral
36 process shall afford parents maximum access *and choice* to all
37 referral information. This access shall include, but is not limited
38 to, telephone referrals to be made available for at least 30 hours
39 per week as part of a full week of operation. Every effort shall be
40 made to ~~reach~~ *make child care referrals accessible to all parents*

1 within the defined geographic area; *by using methods* including,
2 but not limited to, any of the following:

3 (A) Toll-free telephone lines.

4 (B) *E-mail and other appropriate technology.*

5 ~~(B)~~

6 (C) Office space convenient to parents and providers.

7 ~~(C)~~

8 (D) Referrals in languages which are spoken in the community.

9 Each child care resource and referral program shall publicize its
10 services through all available media sources, agencies, and other
11 appropriate methods.

12 (2) (A) ~~Provision of~~ *Provide* information to any person who
13 requests a child care referral of his or her right to view the licensing
14 information of a licensed child day care facility required to be
15 maintained at the facility pursuant to Section 1596.859 of the
16 Health and Safety Code and to access any public files pertaining
17 to the facility that are maintained by the State Department of Social
18 Services Community Care Licensing Division.

19 (B) A written or oral advisement in substantially the following
20 form will comply with the requirements of subparagraph (A):

21 “State law requires licensed child day care facilities to make
22 accessible to the public a copy of any licensing report pertaining
23 to the facility that documents a facility visit or a substantiated
24 complaint investigation. In addition, a more complete file regarding
25 a child care licensee may be available at an office of the State
26 Department of Social Services Community Care Licensing
27 Division. You have the right to access any public information in
28 these files.”

29 (c) ~~Maintenance of~~ *Maintain* ongoing documentation of requests
30 for service tabulated through the internal referral process. The
31 following documentation of requests for service shall be maintained
32 by all child care resource and referral programs:

33 (1) Number of calls and contacts to the child care ~~information~~
34 *resource* and referral program or component.

35 (2) Ages of children served.

36 (3) Time category of child care request for each child.

37 (4) Special time category, such as nights, weekends, and swing
38 shift.

39 (5) Reason that the child care is needed.

1 This information shall be maintained in a manner that is easily
2 accessible for dissemination purposes.

3 (d) ~~Provision of~~ *Provide* technical assistance to existing and
4 potential providers of all types of child care services *to improve*
5 *access to, increase the supply of, and improve the quality of child*
6 *care available in every community in California.* This assistance
7 shall include, but not be limited to, *the following*:

8 (1) ~~Information~~ *Provide* information on all aspects of initiating
9 new child care services including, but not limited to, licensing,
10 zoning, program and budget development, and assistance in finding
11 this information from other sources.

12 (2) ~~Information~~ *Provide* information and resources that help
13 existing child care services providers to maximize their ability to
14 serve the children and parents of their community, *including, when*
15 *appropriate, site visits and toy and resource libraries.*

16 (3) *Provide training and workshops on health and safety, child*
17 *development, special needs, and other topics related to professional*
18 *development.*

19 ~~(3)~~
20 (4) ~~Dissemination of~~ *Disseminate* information on current public
21 issues affecting the local and state delivery of child care services.

22 ~~(4)~~
23 (5) ~~Facilitation of~~ *Facilitate* communication between existing
24 child care and child-related services providers in the community
25 served.

26 (6) *Provide community resource assistance to parents, child*
27 *care providers, and other community organizations by providing*
28 *information about community resources, child care statistics, and*
29 *initiating a child care business.*

30 (7) *Collaborate with community partners to increase awareness*
31 *of child care issues and maximize federal, state, and local*
32 *resources.*

33 (8) *Assist community and public agencies in planning,*
34 *coordinating, and improving child care in the area.*

35 (9) *Assist the local county welfare agency in determining the*
36 *child care needs of CalWORKs families, and provide CalWORKs*
37 *families with information on available child care.*

38 (10) *Facilitate efforts to expand child care services in the local*
39 *community based on demonstrated demand for services.*

40 ~~Services~~

1 (e) Services prescribed by this section shall be provided in order
2 to maximize parental choice in the selection of child care to
3 facilitate the maintenance and development of child care services
4 and resources.

5 (e)

6 (f) (1) A program operating pursuant to this article shall, within
7 two business days of receiving notice, remove a licensed child day
8 care facility with a revocation or a temporary suspension order, or
9 that is on probation from the program's referral list.

10 (2) A program operating pursuant to this article shall, within
11 two business days of receiving notice, notify all entities, operating
12 a program under Article 3 (commencing with Section 8220) and
13 Article 15.5 (commencing with Section 8350) in the program's
14 jurisdiction, of a licensed child day care facility with a revocation
15 or a temporary suspension order, or that is on probation.

16 SEC. 4. Section 8212.3 of the Education Code is repealed.

17 ~~8212.3. (a) In addition to the services described in Section~~
18 ~~8212, a child care resource and referral program, established to~~
19 ~~serve a defined geographic area, may provide short-term respite~~
20 ~~child care. "Short-term respite care," for purposes of this article,~~
21 ~~means temporary child care services to do any of the following:~~

22 ~~(1) Provide services to families identified and referred by child~~
23 ~~protective agencies.~~

24 ~~(2) Relieve the stress caused by child abuse, neglect, or~~
25 ~~exploitation, or the risk of abuse, neglect, or exploitation.~~

26 ~~(3) Assist parents who, because of serious illness or injury,~~
27 ~~homelessness, or family crisis, including temporary absence from~~
28 ~~the home because of illness or injury, would be unable without~~
29 ~~assistance to provide the normal care and nurture expected of~~
30 ~~parents.~~

31 ~~(4) Provide temporary relief to parents from the care of children~~
32 ~~with exceptional needs.~~

33 ~~(b) Pursuant to the delivery of short-term respite child care~~
34 ~~services, priority shall be given for the provision of services to~~
35 ~~families identified and referred by child protective agencies, to~~
36 ~~relieve the stress caused by child abuse, neglect, or exploitation,~~
37 ~~or the risks thereof, as described in paragraphs (1) and (2) of~~
38 ~~subdivision (a). Priority shall be given to assist parents and to~~
39 ~~provide temporary relief to parents, as described in paragraphs (3)~~
40 ~~and (4) of subdivision (a) to the extent that resources are available.~~

SEC. 5. Section 8212.5 is added to the Education Code, to read:

8212.5. A child care resource and referral program shall develop and implement written complaint procedures that include all of the following:

- (a) Procedures for documenting and resolving complaints.
- (b) Procedures for referring reports of licensing violations to appropriate agencies.
- (c) Procedures for removing and reinstating a child care provider from referral files.

SEC. 6. Section 8214 of the Education Code is amended to read:

~~8214. Child-Basic child care resources and referral referrals~~ shall be provided *at no cost* to all persons requesting services ~~and to all types of child care providers~~, regardless of income level or other eligibility criteria. *A basic child care referral shall include the names and telephone numbers of child care providers that meet the requested need of the parent or guardian seeking referrals. A fee may be charged for an enhanced referral that includes information in addition to basic child care referral information.* In addition to the services prescribed by this section, a child care resource and referral program may provide a wide variety of parent and provider support and educational services. *Services, including training, technical assistance, and other appropriate supports that improve the quality of child care available in the community, shall be provided for all types of child care providers.*

SEC. 7. Section 8215 of the Education Code is amended to read:

8215. (a) ~~There is~~ *are hereby established a project two projects*, known as the California Child Care Initiative Project- *State Program, and the California Child Care Initiative Project - Quality Plan Program*. It is the intent of the Legislature to promote and foster the ~~project~~ *California Child Care Initiative Project - State Program* in cooperation with private corporations and local governments. The objective of ~~the project~~ *both projects* is to increase the availability of quality child care programs in the state.

(b) For purposes of this section, the *purpose of the* California Child Care Initiative Project ~~means a project to expand~~ *is to clarify* the role and functions of ~~selected resource and referral agencies~~ *programs* in activities including needs assessment, recruitment

1 and screening of providers, technical assistance, and staff
2 development and training, in order to aid communities in increasing
3 ~~their capability in to increase~~ the number of child care spaces
4 available and *improve* the quality of child care services offered.

5 (c) ~~The Superintendent of Public Instruction shall allocate all~~
6 ~~state and federal funds appropriated for the California Child Care~~
7 ~~Initiative Project for the purpose of making grants to those child~~
8 ~~care resource and referral agencies that have been selected as pilot~~
9 ~~sites for the project.~~

10 ~~(d) The project~~*Projects in accordance with the following*
11 *provisions:*

12 *(1) For the California Child Care Initiative Project - State*
13 *Program, the Superintendent shall ensure that each dollar of state*
14 *funds allocated pursuant to subdivision (c) is matched by two*
15 *dollars (\$2) from other sources, including private corporations,*
16 *the federal government, or local governments.*

17 ~~(e) The grants to the sites made available by the project shall~~
18 ~~be comprised of a combination of state funds and other funds~~
19 ~~pursuant to subdivision (d).~~

20 *(2) For the California Child Care Initiative Project - Quality*
21 *Plan Program, the Superintendent shall allocate state and federal*
22 *funds from the federal Child Care and Development Block Grant*
23 *quality set-aside.*

24 ~~(f)~~

25 ~~(d) The Superintendent of Public Instruction shall develop a~~
26 ~~data base database for the project the two projects.~~

27 SEC. 8. Section 8216 of the Education Code is amended to
28 read:

29 8216. (a) *A child care resource and referral program shall*
30 *maximize parental choice and supports for parents in locating*
31 *child care resources in their community by doing the following:*

32 *(1) Provide information regarding how to select child care*
33 *services that meet the needs of the parent and child.*

34 *(2) Provide a range of possible child care alternatives from*
35 *which a parent may choose.*

36 *(3) Provide information on licensing requirements and*
37 *procedures.*

38 *(4) Provide information on available child care subsidies and*
39 *eligibility requirements.*

40 ~~When~~

1 (b) When making referrals, ~~every~~ *an* agency operating both a
2 direct service program and a resource and referral program shall
3 provide at least four referrals, at least one of which shall be a
4 provider over which the agency has no fiscal or operational control,
5 as well as information to a family on the family's ability to choose
6 a ~~license-exempt~~ *license-exempt* provider.

7 SEC. 9. Section 8217 is added to the Education Code, to read:

8 8217. (a) There is hereby established the Growing, Learning,
9 Caring Project. The intent of the Legislature in establishing the
10 project is to foster and improve the quality of child care in all
11 settings, including child care settings that are exempt from licensing
12 requirements.

13 (b) For purposes of this section, the Growing, Learning, Caring
14 Project clarifies the role and functions of resource and referral
15 programs in training, technical assistance, and supports for
16 license-exempt providers.

17 (c) The Superintendent shall allocate state and federal funds
18 appropriated for purposes of the Growing, Learning, Caring
19 Project.

20 SEC. 10. Section 8218 is added to the Education Code, to read:

21 8218. A child care resource and referral program shall
22 implement the trustline registry program for license-exempt child
23 care providers pursuant to Section 1596.655 of the Health and
24 Safety Code.

25 SEC. 11. Section 1596.655 of the Health and Safety Code is
26 amended to read:

27 1596.655. A child care resource and referral agency established
28 pursuant to Article 2 (commencing with Section 8210) of Chapter
29 2 of Part 6 of the Education Code shall have the following
30 responsibilities in the administration of the trustline within its local
31 geographic area of service:

32 (a) Implement the local elements of the promotion plan designed
33 by the California Child Care Resource and Referral Network
34 pursuant to Section 1596.643 and publicize the availability,
35 purpose, and benefits of the trustline to parents, child care
36 providers, prospective child care providers, and institutions and
37 agencies that have frequent contact with parents and providers.

38 (b) Cooperate with the California Child Care Resource and
39 Referral Network in promotional and data collection efforts,
40 *including providing information on child care supply and demand*

1 *data on a biennial basis from their service areas, and data on*
2 *other child care resource and referral services, such as training*
3 *and technical assistance, on a quarterly basis for the purposes of*
4 *statewide data compilation.*

5 (c) Report annually to the California Child Care Resource and
6 Referral Network on local promotional efforts, problems
7 encountered, and recommendations for program improvement.

8 (d) Ensure that the trustline is accessible to all persons in the
9 state, regardless of their ability to speak English.

10 (e) Provide information and technical assistance on the trustline
11 process to parents, child care providers, and other interested parties.

12 (f) *Review and process trustline applications for in-home or*
13 *license-exempt, home-based child care providers who are being*
14 *paid through state-funded child care subsidies.*

15 (g) *Cooperate with the California Child Care Resource and*
16 *Referral Network to facilitate the use of the trustline automated*
17 *registration process or the trustline web-based application process.*